

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SEATTLE UNIVERSITY
Employer

and

Case 19-RC-122863

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 925
Petitioner

ORDER

On April 17, 2014, the Regional Director issued a Decision and Direction of Election in which, among other things, he 1) asserted jurisdiction over the University, rejecting the University's assertion that it was exempt from the Board's jurisdiction under the Supreme Court's decision in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), and 2) found that the University has not met its burden of demonstrating that the petitioned-for full-time non-tenure eligible contingent faculty are managerial employees under *NLRB v. Yeshiva*, 444 U.S. 672, 682 (1980). The Employer filed a Request for Review, and the Petitioner filed an Opposition.¹

On December 16, 2014, the Board issued its decision in *Pacific Lutheran University*, 361 NLRB No. 157, which specifically addressed the standard the Board will apply for determining, in accordance with *Catholic Bishop*, *supra*, when we should decline to exercise jurisdiction over faculty members at self-identified religious colleges and universities, and the standard by which the Board will determine faculty managerial status under *Yeshiva*, *supra*. Accordingly, the Board remands this proceeding to the Regional Director for further appropriate action consistent with *Pacific Lutheran University*, including reopening the record, if necessary.²

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER

Dated, Washington, D.C., February 3, 2015

¹ Subsequently, the Petitioner filed a Special Appeal, requesting that the Board order the Regional Director to open and count the impounded ballots from the election. The Employer filed an opposition. In light of our decision to remand this case, we find it unnecessary to rule on the Special Appeal at this time.

² Members Miscimarra and Johnson adhere to their dissenting views in *Pacific Lutheran University*. Nevertheless, they agree with their colleagues that a remand is appropriate.